IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

MFA.No. 858 of 2001()

OPMV.524/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MUVATTUPUZHA
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APPELLANT/PETITIONER:

THANKAPPAN,S/O.PAPPUTTY,MOLEKUDY HOUSE,
KAMPILINE, KOTHAMANGALAM.

BY ADV. SRI.S.GOPAKUMARAN NAIR
SRI.SOORAJ ELANJICKAL

RESPONDENTS/RESPONDENTS:

1.M.A.REJI,S/O.ARAJUNAN,MADATHIKUDY HOUSE,
NERIMANGALAM P.O., KOTHAMANGALAM.

2.V.C.ABRAHAM,VALIAMPARAMBIL HOUSE,
KOOMPANPARA.P.O., ADIMALY.

3.UNITED INDIA INSURANCE CO. LTD.,PANKAJ
BUILDINGS, MUNNAR, IDUKKI DISTRICT.

BY ADV. SRI.JOHN JOSEPH VETTIKAD FOR R3

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO.858 OF 2001 (B)

Dated this the 1st day of November, 2007

J U D G M E N T

KOSHY,J.

Appellant at the age of 46 suffered personal injuries in a motor accident. He claimed a compensation of Rs.3,00,000/-. Tribunal has granted only Rs.1,06,900/-. Only quantum of compensation is disputed. He was 46 years at the time of accident. He suffered fracture of right clavicle 6th, 7th and 8th ribs and oblique fracture of 2nd metatarsal left. Even though doctor certified 15% disability, tribunal assessed compensation only at 10% disability after seeing the claimant and after ascertaining the difficulties he was having after passage of time. According to the claimant, he was a head load worker. Apart from the membership in unions, no other evidence is produced to prove that he was a head load worker as registered. Considering the nature of disabilities adequate compensation was granted. Tribunal also has granted 12%

interest from the date of application till its deposit. Considering the total amount of compensation granted, nature of injuries sustained by him, the percentage of permanent disability he was having and the rate of interest granted, we are of the opinion that just and reasonable compensation is granted and no interference is required in an appeal proceedings. Hence this appeal is dismissed.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

prp

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO.858 OF 2006 ()

J U D G M E N T

1st November, 2007